

The problem with allowing internet service providers (ISP) to "shape" the data that passes through network in hopes that competition will somehow sort everything out is that the competition doesn't exist, or at least not enough to actually affect prices. Case in point: I only have one choice of broadband access for cable, and really only one through DSL (dialup isn't an option these days). Why only one? It's because COX is the only company allowed to compete for cable in my area. If I want cable internet, I'm stuck with COX. If I go with DSL, it's the local phone company, through which its partners "provide" service (e.g. AOL, Yahoo, Earthlink, etc). In reality, companies like AOL, Yahoo, and Earthlink are resellers of the same network. If I need a faster connection, I can only use cable. If I want less expensive, I have a choice between these resellers, all of whom charge about the exact same monthly rates for the exact same connectivity through the same copper wire coming into my home. From both sides there really isn't much competition - they both feel they've found their own unique niche, and really seem quite happy to stay there.

There really isn't much choice. And now what will happen when the ISP feels they have the legal right to degrade the quality and speed at which I receive certain pieces of information? Maybe it's not a very big deal for casual use, but what happens when it begins encroaching on my personal business - the things I do for income? What if the ISP is allowed to slow down my connection because the type of work I'm in is somehow seen as an economic (i.e., competitive) threat to my ISP and they decide that their customers shouldn't have quality access to similar competing services?

In slightly similar fashion, allowing ISPs to shape net traffic, or even block certain types altogether, is dangerous. Is it right for a private corporation to become a sole arbiter and enforcer of law? Then why allow them to decide what is or is not legitimate media? My band could put our songs on file-sharing networks in hopes that we get noticed (a very common practice), but those efforts could be halted simply because some ISP on the other side of the country (or even the next town over) decides that my actions are infringing on copyrights. Isn't it my choice what I do with copyrights I own? Likewise, I don't believe we can trust an ISP to make the right decisions about the quality and type of data. So much of our world is becoming connected to the net, so how do you decide what is valid or important, versus what is not, then implement that when the meaning of this content is different depending on the context of the user (it's not wrong for me to download my own professional photos from an online source, and its copyright infringement when a stranger does the same, and not when a friend of mine also downloads it). Its context. Large corporations, and even individuals for that matter, cannot make these decisions for people.

Allow, I will tie the above points into another area that is even more tricky to navigate. In a computer network, such as the internet, there are many electronic devices that are involved with the transmission of each 1 and 0 between the origin of the data and the destination - your computer. A large part of this network lies outside of where the server is located, and likewise outside your home or business. As each piece of data is sent, it gets passed through a number of nodes between points

A and B. The exact path is determined by a number of factors, but think of it as a city where you can take any number of roads to get to your destination. Unlike the city, however, we don't have a choice of how our data travels over the planet... it just happens. Because there are many potential ISPs between you and the server, your data is going to be subject to their data shaping policies. If you thought you had no choice with broadband access, this is even worse. Your only choice is to accept it, regardless of the policies your own ISP has in-place.

My final point is that of economic concerns. By allowing ISPs to intentionally slow-down their networks (or even worse, force people to pay a ransom of sorts to recoup original speeds on some services) it's costing the economy in this county. Imagine you work at an office that transfers large files between branches, but your ISP thinks that type of data isn't worthy of full download speeds, so they decrease it by 25%. That doesn't seem like a whole lot, except it's 25% longer it takes to do things for each person in both branches. Likewise, a startup voice over IP (VOIP) company may become victim to these practices as their ISP decides they will not carry VOIP traffic, or other ISPs won't carry VOIP traffic from their customers. But aren't we as consumers already paying quite a bit for net access (\$50/month for cable internet is quite a bit, isn't it?). Does not the company pay the ISP to connect their servers to the net? We are paying for the traffic, so why degrade it? The other problem is that if you give ISPs the legal right to downgrade traffic, aren't we really reducing the speed and quality of the internet to the lowest common denominator? At network will only be as fast as its slowest point. Shouldn't we instead encourage development of newer, faster hardware and software rather than encouraging retrograde movements?

I believe the choice is simple: do not allow ISPs to practice packet shaping. Rather, encourage healthy competition that leads to increased total bandwidth so these issues don't even have to be thought about because everybody is happy.

Thank you
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